



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

Minutes Worksession January 9, 2017

Executive Session (6:16 p.m. – 6:56 p.m.)

On a motion by CM Dennison and second by CM Rasmussen the Council went into executive session to discuss the Town Administrator's performance evaluation. With the matter discussed, CM Dennison moved and CM Rasmussen seconded to end the executive session.

Regular Meeting

The meeting was called to order at 7:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Christopher Rasmussen and Gerald Shields. CM Shields arrived at 7:35 p.m., having attended a presentation on mitigating the Purple Line's impact in the Indian Creek valley. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper and Representatives of the Branchville Road Shell station David Lynch, Jonathan Jollis and Arman Gurbian.

1. **Announcements**

This year's ATHA/ Maryland Milestone calendar contains a photo by Town resident and former Councilmember James Wilkinson. The free calendars are available in the Town office.

2. **Minutes**

On a motion by CM Dennison, seconded by CM Rasmussen, the December 19 worksession minutes were approved 4 to 0. The December 14 Town meeting minutes were distributed.

3. **Presentation**

Branchville Road Shell facility improvements: Mayor Jewitt welcomed Shell representatives Dan Lynch (Attorney), Arman Gurbian (Petroleum Marketing Group), and Jonathan Jollis (Engineer), for a discussion of the plans to raze and rebuild the Branchville Road Shell gas station. Mr. Lynch explained that this gas station was last upgraded some 30 years ago and needs a complete overhaul. Shell plans to replace the gas station and add a 24-hour convenience store and car wash. The owners would like to get Berwyn Heights' input on the layout of the redeveloped site before a detailed site plan is drafted. The new Shell station would maintain access from both Greenbelt Road and Branchville Road, and come into compliance with the latest requirements for stormwater management, tree canopy and landscaping.

In response to questions, the Shell representatives said that a modern and inviting gas station would attract more customers and compete better with other gas stations in the vicinity. Any landscape plan

will call for new trees to be planted so as to comply with the Prince George's County tree coverage ordinance. The operators of the new, larger convenience store will implement their own safety protocols for employees, including security cameras and panic buttons, to deal with possible robberies. The new car wash will recycle up to 95% of the water used, and not dispense any water into nearby Indian Creek. New landscaping will absorb more stormwater runoff from the site than it currently does. The developers were not planning to build a sidewalk on the Branchville Road frontage of their property; however, they will take into account the safety of pedestrians and bicyclists that will be using the East Coast Greenway, when the trail to Greenbelt Station opens.

In terms of a timeline for the renovation, the developers will seek to obtain approval for a stormwater management plan first, and then produce a detailed site plan, which they hope to be able to present to the Town in late spring. Depending upon approval of the site plan by the County, construction of the new buildings is expected to take around 4 months. In response to Mike Attick, Mr. Gurbian said the existing gas tanks were installed 4-5 years ago and have a product life of around 40 years. The Shell station sits on 2 lots owned by Ali Murtaza. The lots in question currently do not have trees, but trees will be planted as part of the redevelopment of the site. Mayor Jewitt thanked the developers for their presentation.

4. Department Reports

Mayor Jewitt thanked the Berwyn Heights officers for patrolling over the New Year's holiday. During that week there were no incidents to report. MPT Kulpa-Eddy announced that State legislators will hold their annual legislative reception, which is open to the public, on January 16, 6:00 to 8:00 p.m., at the Senate Office Building. She also requested and the Council agreed to add scheduling the all-day Budget meeting and Four Cities agenda items to the agenda. CM Rasmussen said he is sorry to have missed Santa riding through Town on the fire truck on Christmas Eve. Later this week, he will accompany Code Supervisor Glass on a ride-along.

CM Shields announced the winners of the holiday decorating contest: best yard – 8711 58th Avenue; best house – 8627 Cunningham Drive; best overall – 5723 Nevada Street. He then reported on the Purple Line meeting, attended by some 25 guests, including Delegate Gaines. He said that the impacts from construction of the Purple Line on the Paint Branch creek will be offset with improvements on a 1: 5.6 ratio, including stream bed restoration and stabilization near the College Park airport. Tree removals to access the mitigation area will be limited to the minimum necessary and replanting of trees will take place after construction.

5. Citizen comments

Mike Attick, 62nd Avenue, said that CM Rasmussen could not be understood on the cable television broadcast when he participated in the last worksession via telephone. Mr. Attick further requested that the Neighborhood Watch/ Emergency Preparedness Committee (NW/EP), which he co-chairs, be included in the budget process.

6. Action Items

There were none.

7. Discussion Items

Ordinance 120 proposed amendments: CM Rasmussen explained that TA Cowles provided a memorandum summarizing the changes the Council made to the Rental Housing Ordinance during the last worksession, and recommendations for further changes made by the Town attorney, including: 1) to

clarify the purpose of the Ordinance; 2) to make definitions in the Ordinance consistent with those found in the International Property Maintenance Code and the Prince George's County Housing Code; and 3) to delete Section 13 B, which authorizes the Council to waive provisions of the Ordinance at its discretion. It was thought that this conflicts with the goal of the Ordinance to protect the health, safety and wellbeing of tenants and the public.

The Council reviewed the Town Attorney's recommendations, MPT Kulpa-Eddy disagreed with the proposal to eliminate the Council's waiver authority in Section 13 B. She said there are non-health and safety related provisions in the Ordinance in regard to which the Council may want to retain flexibility, such as the requirement for a landlord to have a local agent if he lives more than 50 miles from the rental home. It was agreed to ask the Town attorney suggest language that allows the Council to retain such flexibility.

The Council reviewed the new *Property Owner and Tenant Rights and Responsibilities Form*. It was agreed to remove the term "Rights" from the title, as well as the list of tenant rights in the document itself. Instead, reference will be made to the State's Attorney and Prince George's County websites for detailed explanations of landlord-tenant issues.

The Council reviewed the *Rental Housing Fee & Fine Schedule*. It was agreed to add the rental license fee of \$300 to the schedule and to clarify what are "remedial violations" as opposed to "other violations" by giving examples. Mr. Attick suggested to raise the rental license fee since renting is a business activity.

The Council reviewed the new *Application for a Rental Housing License*. It was agreed to add "Number of Bedrooms" and "Number of Levels" to the rental property description field and to strike the term "prevent" in connection with requiring 10-days' notice for an inspection to resolve an emergency.

At 8:53 p.m., the Council took a 10-minute break.

The Council reviewed the revised Rental Housing Ordinance. The following changes were made:

Section 2 BB: siblings were added to the definition of "immediate family."

Section 2 YY: "payment" was clarified as a monetary payment in a business transaction.

Section 4 I: the word "correct" was replaced by "remediate" in connection with violations uncovered during a rental inspection to correspond with language in the Fee & Fine Schedule.

Section 4 N: the period for renewing a rental license in the event of a sale of a rental property was extended from 5 to 10 days.

Section 5 A, C: taking photos was added to the actions a code officer may perform when inspecting the interior and exterior of a rental property.

Section 6 – Adoption of Selected Prince George's County Codes: this section should state the purpose for which the codes are adopted as is done in *Section 7 - Standards*.

Section 7 C: a provision stating that "documentation of compliance with State law pertaining to lead paint" is required, was added.

Section 7 K (c), (d) – Fire Protection Services: specifics about smoke and carbon monoxide detectors were replaced with language stating that rental units "shall comply with all required fire detection systems."

Section 8 E: title of sub-section was changed to "Condemnation Service on Occupant."

Section 9 B – Waiving Application of Ordinance: deleted.

Section 14 – Validity: section renamed “Severability.”

Revised and Effective dates are to be added to the end of the Ordinance.

State of the Town agenda format: It was agreed that the Mayor will give a State of the Town address, Councilmembers a State of their Department report, and directors their monthly reports. Committee chairs will be invited to report on their accomplishments from the past year.

Town committee members: Mayor Jewitt said she received a question whether Town Councilmembers can serve on Town committees and requested input from the Council. There are no formal rules prohibiting Councilmembers from serving on Town committees, but they generally do not serve in leadership positions or participate in voting because of a potential for conflicts of interest.

In discussion, MPT Kulpa-Eddy said she resigned as chair of Neighborhood Watch/ Emergency Preparedness (NW/EP) committee when elected to the Council, and abstained from voting because she did not want to influence the outcome of a vote. In the event of an emergency, a Councilmember who serves on the NW/EP committee would likely focus on Council duties, although he or she may engage in CERT activities before arriving at the Town office, which would serve as the command center. CERT members usually do not deploy on their own, but are called upon to deploy. In the field, they are subject to the incident command system.

The Council further discussed what constitutes membership on a Town committee. In some committees, members are formally appointed by the Town Council and in others they simply join. Where they exist, committee bylaws may define membership and the privileges associated with it. Most Town committees were at some point established by the Town Council for a particular reason, and may receive Town funds or administer Town property, such as the emergency trailer and the museum. CM Shields was asked to look into these issues in an attempt to develop a policy for Town committees.

Ordinance 122 – Urban Forest: CM Rasmussen asked if the Town Council is inclined to open up the Urban Forest Ordinance for revision this fiscal year, as initially planned. The Ordinance sets forth the establishment of a 5-member Shade Tree Board appointed by the Council to study and inventory Town trees and develop a plan for their care, including removals and replanting. He had approached the Green Team about serving as the Shade Tree Board, but they declined to take on any regulatory responsibilities, such as issuing permits for tree removals. On the other hand, many residents were interested in preserving trees when Pepco carried out its tree removals along Edmonston Road. The Council agreed to advertise the formation of a new Shade Trade Board, and call for volunteers to join.

Charter amendment on Town boundaries: MPT Kulpa-Eddy said that unfortunately the Charter amendment updating the Town's boundaries will not be ready for introduction at the January 11 Town meeting. The engineers will not have completed the metes and bounds until January 13, which will delay introduction to February.

Four Cities agenda items: The following agenda items were proposed for the January 25 Four Cities meeting in College Park: discussion of Pepco's tree removals along Edmonston Road, and presentation by M-NCPPC Planner Chad Williams on Module 3 of the Prince George's zoning rewrite.

Budget worksession date: March 25, 9:00 am to 3:00 pm was set as the date for a budget retreat, at which all Councilmembers and department directors will discuss the proposed FY 2018 budget. This

replaces 4 - 5 budget worksessions that were usually held in March and April to review the budget.

8. **Town Council Schedule**

The Council reviewed the calendar for the upcoming month. No changes were made.

The meeting was adjourned at 10:28 p.m.

Signed: *Kerstin Harper, Town Clerk*